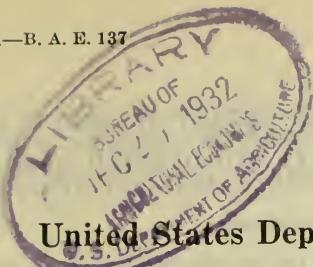


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United States Department of Agriculture

BUREAU OF AGRICULTURAL ECONOMICS

SERVICE AND REGULATORY ANNOUNCEMENTS NO. 137¹

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING THE GRADING AND CERTIFICATION OF BUTTER, CHEESE, EGGS, DRESSED POULTRY, AND DRESSED DOMESTIC RABBITS FOR CLASS, QUALITY (GRADE), AND CONDITION

Under an act of Congress approved July 7, 1932. Public 269—72d Congress.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C.

By virtue of the authority vested in the Secretary of Agriculture by a provision of the act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1933," approved July 7, 1932, authorizing the investigation and certification of the class, quality, and/or condition of perishable farm products, I, R. W. Dunlap, Acting Secretary of Agriculture, do prescribe and promulgate, in lieu of all existing rules and regulations, the following rules and regulations governing the grading and certification of butter, cheese, eggs, dressed poultry, and dressed domestic rabbits, for class, quality, and/or condition, to be in force and effect on and after September 15, 1932, and as long as Congress shall provide the necessary authority therefor, unless amended or superseded by rules and regulations hereafter prescribed and promulgated under such authority.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 13th day of September, 1932.



Acting Secretary of Agriculture.

¹ This publication supersedes Service and Regulatory Announcements No. 96 (B. A. E.) and its supplement.

**RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE
GOVERNING THE GRADING AND CERTIFICATION OF BUTTER,
CHEESE, EGGS, DRESSED POULTRY, AND DRESSED DOMESTIC
RABBITS FOR CLASS, QUALITY (GRADE), AND CONDITION**

Regulation 1.—Definitions

SECTION 1. Words in these regulations in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

SEC. 2. For the purpose of these regulations, unless the context otherwise require the following terms shall be construed, respectively, to mean:

Paragraph 1. The act.—The following provisions of an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1933," approved July 7, 1932 (Public 269, 72d Cong.), or any future act of Congress conferring like authority: "For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or corporations engaged in the production, transportation, marketing and distribution of farm and food product, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and/or condition of cotton, tobacco, fruits and vegetables, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, including payment of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as *prima facie* evidence of the truth of the statements therein contained."

Par. 2. Person.—Individual, association, partnership, or corporation.

Par. 3. Secretary.—Secretary or Acting Secretary of Agriculture of the United States.

Par. 4. Bureau.—Bureau of Agricultural Economics of the United States Department of Agriculture.

Par. 5. Official grader.—Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the class, quality, and/or condition of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits under the act.

Par. 6. Office of grading.—The office of an official grader authorized to grade butter, cheese, eggs, dressed poultry, and/or dressed domestic rabbits under the act.

Par. 7. Grading certificate.—Certificate of the class, quality, and/or condition of butter, cheese, eggs, dressed poultry, and dressed domestic rabbits issued by an official grader under the act.

Par. 8. Regulations.—Rules and regulations of the Secretary governing the grading and certification of butter, cheese, eggs, dressed poultry, and dressed domestic rabbits under the act.

Regulation 2.—Administration

SECTION 1. The chief of the bureau is charged with the supervision of the performance of all duties arising in the administration of these regulations.

Regulation 3.—Where Service is Offered

SECTION 1. Paragraph 1.—Butter, cheese, eggs, dressed poultry, and/or dressed domestic rabbits may be graded for the purpose of the act at points indicated in paragraphs 2, 3, and 4 of this section whenever an official grader is available.

Par. 2. Shipping points.—Grading may be made wherever butter, cheese, eggs, dressed poultry, or dressed domestic rabbits are offered for interstate shipment, including farms, factories, warehouses, loading platforms, wagons, trucks, railway cars, boats, vessels, and other places where these products are handled, kept, or stored.

Par. 3. Designated markets.—Boston, Chicago, New York, Philadelphia, Duluth, Minneapolis, San Francisco, Los Angeles, Portland, Oreg., Seattle, Richmond, Va., Parkersburg, W. Va., Orlando, Fla., and Washington are hereby designated as important central markets. Other important central markets at which official graders are available will be designated by the Secretary from time to time.

Par. 4. Other points.—Grading may be done at any point near a designated market under conditions provided in regulation 5 to the extent permitted by the time of official graders who are available for gradings at such other points.

Regulation 4.—Application for Grading

SECTION 1. Who may obtain grading.—An application for grading of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits under the act may be made by a State or by any person having a financial interest in the butter, cheese, eggs, dressed poultry, or dressed domestic rabbits involved, including the shipper, the receiver, or the carrier, or by any authorized person in behalf of such applicant.

SEC. 2. How grading may be obtained.—Application for grading of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits under the act may be made in writing or orally, by telegraph, telephone, or otherwise. Such application may be filed in the office of grading or with any authorized official grader at or nearest the place where the grading is desired. If made orally, the official grader may require that it be confirmed in writing.

SEC. 3. Form of application.—Application for grading of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits under the act shall be in English, and when requested by the official grader to be in writing shall include the following information: (a) The date of application; (b) the identification and location of the product to be graded; (c) the name and post-office address of the applicant and of the person, if any, making the application in his behalf; (d) the interest of the applicant (except the State) therein; (e) the name, post-office address, and interest of all other known parties, except carriers, interested in the butter, cheese, eggs, dressed poultry, or dressed domestic rabbits involved; (f) the shipping point and destination of the product; (g) the purpose of the grading; and (h) such other information as the official grader may require.

SEC. 4. Application rejected.—Any application may, upon request of applicant or for noncompliance with the act or any regulation thereunder, be rejected by the official grader in charge of the office of grading in which it is filed, and such official grader shall immediately notify the applicant by telegraph or in writing of the reasons for such rejection.

SEC. 5. Proof of authority.—Proof of the authority of any person applying for grading on behalf of another may be required in the discretion of the official grader.

Regulation 5.—Grading

SECTION 1. Paragraph 1. Forms of grading.—Grading may be made for class, quality, and/or condition.

Par. 2. Basis of grading.—Grading for class, quality, and/or condition shall be based upon such standards and grades and be made under such conditions and in accordance with such methods as may be prescribed, approved, or promulgated by the chief of bureau.

SEC. 2. Products accessible.—The applicant shall cause the butter, cheese, eggs, dressed poultry, or dressed domestic rabbits for which grading is requested to be made accessible for grading, and to be so placed as to disclose its quality and condition.

SEC. 3. Order of grading.—Grading service shall be rendered as far as practicable in the order in which applications are received, except that preference may be given to applications made by a State.

SEC. 4. Financial interest of official graders.—No official grader shall grade any butter, cheese, eggs, dressed poultry, or dressed domestic rabbits, in which he is directly or indirectly financially interested.

Regulation 6.—Grading Certificates

SECTION 1. Certificate for each lot.—The official grader shall sign and issue a separate certificate for each lot of butter, cheese, eggs, dressed poultry, or

dressed domestic rabbits graded by him. The official grader also, when authorized by the chief of the bureau, may stamp, tag, or label each unit of product or package of product in the lot with the class, grade, or quality of the product, or the applicant may issue, when authorized by the chief of the bureau, certificates of quality of such form as are approved by the chief of the bureau, the certificates of quality issued by the applicant to be used only by the applicant in such manner and for such purpose as is approved by the chief of the bureau.

SEC. 2. *Original and copies of certificate.*—The original grading certificate immediately upon its issuance shall be delivered or mailed to the applicant or person designated by him. If the shipper is known and is not the applicant, one copy shall be delivered or mailed to him. Copies will be furnished to other financially interested persons on request. Extra copies may be obtained by a financially interested party upon payment of the fees provided under regulation 9, section 1, paragraph 6.

SEC. 3. *Advance information.*—Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed or telephoned to him at his expense.

SEC. 4. *Filing certificates.*—One copy of each certificate issued shall be filed in the office of the official grader issuing it and one filed either in the office of the field supervising grader or forwarded to the chief of the bureau. They shall be kept on file until other disposition is ordered by the chief of the bureau.

Regulation 7.—Appeal Grading

SECTION 1. *When appeal grading may be done.*—Whenever the original applicant or other interested party has reason to believe that the class, quality, or condition of a lot of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits on which a grading certificate has been issued does not conform to the condition, quality, or class stated in such certificate he may make application for appeal grading, provided the application is made within 24 hours following the hour of the original grading and the identity of the butter, cheese, eggs, dressed poultry, or dressed domestic rabbits graded in the original lot has not been lost.

SEC. 2. *How to obtain appeal grading.*—Application for appeal grading of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits under the act may be made in writing or orally, by telegram, telephone, or otherwise. Such application may be made to (a) any official grader, (b) a supervising official grader, or (c) the chief of the bureau. If made orally, the person receiving the application may require that it be confirmed in writing. Such application shall give the reasons therefor and shall be accompanied by the certificate previously issued on the lot, if it is in the possession of the applicant.

SEC. 3. *Record of applications for appeal grading.*—A record showing the date and time of filing such application shall be made by the receiver thereof.

SEC. 4. *When application for appeal grading may be withdrawn.*—An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made, upon payment of any expense incurred in connection therewith.

SEC. 5. *Official graders who may pass on appeal grading application.*—Applications for appeal grading shall be passed upon by official graders designated for the purpose by the chief of the bureau.

SEC. 6. *When an appeal grading may be refused.*—If it shall appear that the reasons stated in an application for appeal grading are frivolous or unsubstantial, or that the quality or condition of the butter, cheese, eggs, dressed poultry, or dressed domestic rabbits has undergone material change since the last previous grading, or appeal grading, or the identical butter, cheese, eggs, dressed poultry, or dressed domestic rabbits, can not be made accessible for grading, or the act or these regulations have not been complied with, the application may be rejected and the applicant shall be notified the same day, by telegraph or in writing, of the reason for such rejection, and a statement of such action shall be included in the record of such application by the official making the same. Upon the rejection or withdrawal of an application for appeal grading, any grading certificate filed therewith shall be immediately returned to the person by whom filed, or delivered upon his written order.

SEC. 7. *Gradings requested to determine the class, quality, and/or condition of butter, cheese, eggs, dressed poultry or dressed domestic rabbits which have*

been previously graded, shall be considered as new gradings or regradings unless the applicant questions the correctness of the last previous certificate issued on the product in which event the applicant shall apply for an appeal grading. If the application for an appeal grading is rejected, an application for a new original grading may be made.

SEC. 8. *Certificate of appeal grading.*—The official grader making an appeal grading, shall sign and issue an "Appeal grading certificate," superseding, and referring specifically to the original grading certificate from which the appeal was taken, and stating the quality and condition of the butter, cheese, eggs, dressed poultry, or dressed domestic rabbits, as determined by the appeal grading. The provisions of regulation 6 shall apply to appeal grading certificates, except that copies of the appeal grading certificates shall be sent to all known interested parties.

SEC. 9. *Extension of time.*—Upon satisfactory showing of evidence of fraud, or intent of fraud, or that on account of distance the time of filing is insufficient, or other good cause, the person mentioned in section 2 of this regulation, to whom the application for appeal grading is made, may permit the filing of such application after the time prescribed therefor in these regulations, and a statement of such action shall be included in the record of such appeal grading by the official making the same.

SEC. 10. *Certificate superseded shall not represent the class, quality, and/or condition of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits.*—When a grading certificate shall have been superseded under these regulations by an appeal grading certificate, such grading certificate shall not thereafter represent the class, quality, and/or condition of the lot of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits, described therein. If the original and all copies of the superseded certificate are not delivered to one person with whom the application for appeal grading is filed, the officer issuing the appeal grading certificate shall forward notice of such issuance and of the cancellation of the original certificate to such persons or firms as he considers necessary to prevent fraudulent use of the canceled certificate.

Regulation 8.—Licensed Official Graders

SECTION 1. *Paragraph 1. Graders may be licensed.*—Persons showing proper qualifications may be licensed by the Secretary of Agriculture as official graders of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits, which may be graded under this act. All such licenses shall be countersigned by the specialist in charge of the Division of Dairy and Poultry Products in the bureau, the specialist in grading in that division, or by the supervising grader under whose direction the licensee is to work.

Par. 2. License may be suspended.—Any such license may be suspended, pending final action by the Secretary of Agriculture, by any official by whom it may be countersigned or by the chief of the bureau, whenever such official shall deem such action to be for the good of the service. Within seven days after such suspension the licensee may file an appeal in writing to the Secretary of Agriculture supported by any argument or evidence that he may wish to offer in his behalf.

Regulation 9.—Fees and Charges

SECTION 1. *Paragraph 1. Fees and charges.*—The fees and charges to be collected for each lot of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits, graded or appeal graded under these regulations, at shipping points, designated markets, and other points, shall be as follows, unless otherwise specifically provided in supplemental schedules subsequently furnished the official grader by the Secretary, or unless the grading or appeal grading is made under a cooperative agreement with a State or other agency, when the fees and charges to be collected shall be those provided for under the agreement: *Provided, however, That an additional fee of \$3 shall be charged when the grading or appeal grading is made in a freight or express car or other place where the entire lot of the product is not readily accessible to the grader.*

Par. 2. Butter and cheese grading fees.—For each lot of butter or cheese graded for class, quality, and/or condition, pursuant to these regulations, the fee shall be on the basis of the approximate net weight or on the number of churnings or vats of butter or cheese in such lots, as follows:

(a) When each separate churning or vat is not indicated by number or otherwise on the packages—

| | |
|---|--------|
| For 1,500 pounds or less..... | \$1.50 |
| For 1,501 pounds to 3,000 pounds, inclusive..... | 2.25 |
| For 3,001 pounds to 6,000 pounds, inclusive..... | 3.00 |
| For 6,001 pounds to 10,000 pounds, inclusive..... | 3.75 |
| For each additional 10,000 pounds or fraction thereof beyond 10,000 pounds an additional charge of..... | .75 |

(b) When each separate churning or vat is indicated by number or otherwise on the packages—

| | |
|---|--------|
| For 7 or less churnings or vats..... | \$1.50 |
| For each additional churning or vat beyond 7 an additional charge of..... | .15 |

Par. 3. Egg grading fees.—For each lot of eggs graded for class, quality, and/or condition, pursuant to these regulations, the fees shall be based on the gross number of packages in such lot, as follows:

| | |
|--|--------|
| For 2 packages or less..... | \$0.50 |
| For 3 to 15 packages, inclusive..... | 1.00 |
| For 16 to 25 packages, inclusive..... | 1.50 |
| For 26 to 50 packages, inclusive..... | 2.25 |
| For 51 to 100 packages, inclusive..... | 3.00 |
| For 101 to 200 packages, inclusive..... | 4.00 |
| For 201 to 350 packages, inclusive..... | 5.00 |
| For 351 to 550 packages, inclusive..... | 6.00 |
| For additional 100 packages or fraction thereof an additional charge of..... | 1.00 |

Par. 4. Dressed poultry and dressed domestic rabbits grading fees.—For each lot of dressed poultry, or dressed domestic rabbits graded for class, quality, and/or condition, pursuant to these regulations, the fee shall be on the basis of the approximate net weight of the dressed poultry or dressed domestic rabbits in such lot, as follows:

| | |
|--|--------|
| For 50 pounds or less..... | \$0.50 |
| For 51 pounds to 500 pounds, inclusive..... | 1.00 |
| For 501 pounds to 1,500 pounds, inclusive..... | 1.50 |
| For 1,501 pounds to 3,000 pounds, inclusive..... | 2.00 |
| For 3,001 pounds to 10,000 pounds, inclusive..... | 4.00 |
| For 10,001 pounds to 20,000 pounds, inclusive..... | 6.00 |
| For 20,001 pounds to 30,000 pounds, inclusive..... | 8.00 |

Par. 5. Fees may be based on time required.—In lieu of all fees above specified in this regulation, the fee for each lot of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits, graded for class, quality, and/or condition pursuant to these regulations may be based, when it is more expedient or equitable, upon the time actually required in making the grading at the rate of \$2 per hour.

Par. 6. Extra copies of grading certificates may be supplied to financially interested persons by the office where the original certificate was issued upon payment of a fee of 25 cents for each run of not more than four copies.

Par. 7. Fees for appeal grading shall be three times those for original gradings, except that no fee will be charged when it is found that there was a material error in the certificate issued based upon the original grading.

Par. 8. Such charges may be made for traveling expenses and other items paid or incurred by the Department of Agriculture as will reimburse the department.

Sec. 2. Payment of fees.—The fees or charges for each grading or appeal grading shall be paid by the applicant in accordance with the directions on the fee bill furnished him and in advance if required by the official grader. Such fees and charges as are due the Department of Agriculture shall be remitted promptly to the disbursing clerk of the Department of Agriculture.

Regulation 10.—Fraud

SECTION 1. Misrepresentation.—Any willful misrepresentation or any deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application; the use of a grading or appeal

grading certificate or a certificate of quality issued under these regulations; or the use of any official grading stamp, tag, seal, mark, or approved label, or any willful violation of these regulations or of the supplementary rules and instructions issued by the chief of the bureau, may be deemed sufficient cause for debarring such persons from any benefits of the act, and in case of violation of the food and drugs act of June 30, 1906, may subject the shipper to prosecution and the product shipped to seizure.

Regulation 11.—Publications

SECTION 1. *Publications.*—Publications under the act and these regulations shall be made in Service and Regulatory Announcements of the Bureau of Agricultural Economics and such other mediums as the chief of the bureau may from time to time designate for the purpose.

INSTRUCTIONS OF THE CHIEF OF THE BUREAU OF AGRICULTURAL ECONOMICS GOVERNING THE STAMPING, LABELING, AND CERTIFYING OF THE CLASS, QUALITY (GRADE), AND/OR CONDITION ON PACKAGES OF BUTTER, CHEESE, EGGS, DRESSED POULTRY, OR DRESSED DOMESTIC RABBITS OR AN INDIVIDUAL DRESSED POULTRY OR DRESSED DOMESTIC RABBIT CARCASS, AND PRESCRIBING THE STANDARDS TO BE USED IN GRADING AND CERTIFYING THE QUALITY (GRADE) AND CONDITION OF THESE PRODUCTS

By virtue of the authority vested in the Chief of the Bureau of Agricultural Economics as contained in paragraph 2 of section 1 of regulation 5, section 1 of regulation 6, and section 5 of regulation 7 of Service and Regulatory Announcements No. 137, of the United States Department of Agriculture, I, Nils A. Olsen, Chief of the Bureau of Agricultural Economics, do hereby issue in lieu of previous instructions, the following instructions to be in force and effect on and after September 15, 1932, unless amended or superseded by instructions issued in lieu thereof.

In testimony whereof I have hereunto set my hand in the city of Washington, D. C., on the 14th day of September, 1932.

NILS A. OLSEN, *Chief of Bureau.*

Rule 1

Any authorized official grader of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits, employed directly, jointly with a cooperating agency, or licensed as agent of the United States Department of Agriculture, may stamp or may supervise the work of stamping directly on any package containing butter, cheese, eggs, dressed poultry, or dressed domestic rabbits, or on dressed poultry, or dressed domestic rabbit carcasses, the class, and/or quality (grade) thereof as determined by himself or by another authorized official grader or the fact that the product has been officially or Government graded; and he also may stamp, or he may supervise the work of stamping, tags, labels, or seals which have been applied or he may supervise the work of applying tags, labels, or seals previously stamped or otherwise suitably marked. Said stamps, tags, labels, seals, or other marks shall be approved by the bureau and shall state that the product has been officially or Government graded and/or shall state the class, and/or quality (grade) of the product, and when required by the bureau the place of grading, the date of grading, and/or the number of the grading certificate issued covering the lot, provided that any part or all of these facts, may, instead of being stamped or printed thereon, be marked on the tags, labels, or seals in any other manner approved by the chief or acting chief of the bureau.

Rule 2

SECTION 1. When approved by the bureau, an applicant for grading or a vendor of butter, cheese, or eggs previously graded by an authorized official grader may issue certificates of quality of substantially the following forms which are hereby approved:

(a) Butter and Cheese

CERTIFICATE OF QUALITY

Issued by authority of the United States Department of Agriculture. This is to certify that the churning of butter (or vat of cheese) from which the butter (or cheese) contained in this package was taken was graded by an official grader of the United States Department of Agriculture and that the date of said grading and number of the grading certificate issued are marked hereon and that the quality (class and/or grade) when graded was (-----) or higher.

(Name of firm or applicant)

(b) Eggs

CERTIFICATE OF QUALITY

Issued by authority of the United States Department of Agriculture. This is to certify that the eggs in this package were graded by an official grader of the United States Department of Agriculture and that the date of said grading and number of the grading certificate issued are marked hereon and that the quality (class and/or grade) when graded was (-----).

(Name of firm or applicant)

Sec. 2. Authority to issue the certificates of quality provided for in the preceding section shall be given only to applicants for grading or to vendors of butter, cheese, and eggs previously graded who have made written application for the privilege and have declared their intention and willingness to conform to the letter and spirit of these instructions and such other instructions as subsequently may be issued relating thereto, and who agree to provide the certificates of quality without cost to the Government, keep records of their use and furnish such information regarding their use as may be requested by the specialist in charge of the division of dairy and poultry products.

Sec. 3. Authority to use certificates of quality shall be limited to butter scoring not less than 92, to cheese scoring not less than 92, and to eggs of a quality not lower than U. S. Extras, Retail Grade.

Rule 3

SECTION 1. The purpose of authorized certificates of quality and of official grade tags or marks attached to a product or packages of product prepared for retail sale is to evidence the fact that the product was graded by an authorized official grader and that it was of the quality stated on the certificate, tag or mark when graded. The use of such certificates, tags, and marks shall be limited to such persons and firms as are applicants for grading or vendors of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits previously graded and solely for such purposes as may be considered proper, ethical, and legal in merchandizing the graded products in a legitimate, legal, and ethical manner.

Sec. 2. The privilege or authority to use the authorized certificates of quality and/or the official labels or seals which bear the stamp of the official grader or the official or government grade of the product may be withdrawn for: (a) Disuse, or (b) unethical, deceptive, fraudulent, illegal, or unauthorized use.

Sec. 3. It shall be the duty of every authorized official grader of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits to report to the specialist in charge of the division of dairy and poultry products, each and every instance of improper, incorrect, or unauthorized use made of any grading certificate, any official grade tag, or mark, or any certificate of quality issued by an applicant or vendor and of any method of use, or practice in connection therewith, which might be considered improper, unethical, fraudulent, illegal, or unauthorized.

Sec. 4. Any official grader who fails to report to the specialist in charge of the division of dairy and poultry products instances of improper use of a grading certificate, a certificate of quality, or an official grade tag or mark by

an applicant, his agent, or other representative, or by a vendor, his agent, or other representative, which he may observe or have brought to his attention shall be subject to discipline.

Rule 4

SECTION 1. As provided in paragraph 2 of section 1 of regulation 5 of Service and Regulatory Announcements No. 137, "grading for class, quality, and/or condition shall be based upon such standards and grades and be made under such conditions and in accordance with such methods as may be prescribed, approved, or promulgated by the chief of bureau." Grading of butter, cheese, eggs, dressed poultry, and dressed domestic rabbits for class, quality, and/or condition shall be based upon the standards and grades prescribed in the following publications or subsequent revised issues of them or other publications subsequently issued unless authority to use other standards and grades is given in writing:

Butter: Service and Regulatory Announcements No. 51 (Agricultural Economics).

Cheese: Office of Secretary Circular No. 157.

Eggs: Egg standardization leaflet No. 2 revised May, 1929, published as a mimeographed leaflet by the bureau.

Dressed poultry and dressed domestic rabbits: Tentative United States Grades for Dressed Poultry, Dressed Turkeys, and Dressed Domestic Rabbits, published in mimeographed form by the bureau.

SEC. 2. Butter, cheese, eggs, dressed poultry, and dressed domestic rabbits shall be graded only under such conditions as will permit a true and correct determination to be made of the class, quality (grade), and/or condition of the product by the official grader.

SEC. 3. Drawn or eviscerated poultry and dressed domestic rabbits shall not be graded for quality unless the carcasses have been previously inspected and certified for condition and wholesomeness: *Provided, however,* That drawn poultry and/or dressed domestic rabbits which have not been previously inspected for condition and wholesomeness may be graded for quality when offered for delivery to agencies, activities, or institutions where the product is to be consumed and not again offered for sale.

Rule 5

As provided in section 5 of regulation 7 of Service and Regulatory Announcements No. 137, "applications for appeal grading shall be passed upon by official graders designated for the purpose by the chief of the bureau." Applications for appeal grading of butter, cheese, eggs, dressed poultry, and dressed domestic rabbits, shall be passed upon by the person designated below: *Provided,* That no application for appeal grading shall be passed upon by the person who made the original grading from which the appeal is taken.

| | |
|--|--|
| Washington, D. C., and all other points--- | Roy C. Potts, Rob R. Slocum, C. E. Eckles, and T. W. Heitz. |
| Philadelphia----- | E. Small. |
| Chicago----- | C. L. Pier. |
| New York----- | L. F. Champlin. |
| Boston----- | N. A. Dakin. |
| Minneapolis and Du'uth----- | C. W. Fryhofer. |
| San Francisco----- | F. H. McCampbell. |
| Los Angeles----- | A. G. Abel. |
| Seattle----- | E. R. Johnson. |
| Portland, Oreg----- | J. E. Draper. |

